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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,902	08/26/2003	John D. Youngs	9046000004	1901

34007 7590 11/14/2006

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EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,902

Applicant(s)

YOUNGS ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 16 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11, 12, 16 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 22, 23, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not provide support for a surface of the first tool defining said mold cavity comprises a recess to receive a third material. The specification states that a recess (52) formed in the second material (44) of figure 11B can be filled with a third material (53). The specification does not describe a means for shaping the third material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9, 11, 16, 20, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over lida et al (2001/0005541 A1: figures 1, 2 and 6; and paragraphs 22 and 23) taken together with Hatakeyama et al (FR2572676: see abstract and figures 1-2).

lida et al teach an article having a cover (11) with a recess (12) having a plurality of holes (13, 14) and an emblem (15) having protrusions (17 and 18) that fit into the holes (13, 14) such that the emblem is heat staked to the cover. The reference states that the emblem (15) and the cover are individually molded and then assembled. The tools for forming the first and second molded articles are inherent. The reference does not disclose that the first tool has a movable mold member to define a recess and then retractable to remove the movable mold member from the recess forming position.

Hatakeyama et al disclose a molding apparatus comprising: opposing mold members (12, 14) defining a cavity (40). The second mold member (14) has a movable core (20) that is able to be positioned to form a recess in a first injected material through gate (44 see figure 1) and then withdrawn to leave a recess in the first molded and allow injection of a second material using the second gate (50). The mold has a protrusion (46) to form a hole in the article formed in the mold cavity of figure 1.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Iida et al by using a molding tool having a retractable member to form a molded article with a recess as shown in figure 1 of Hatakayama et al because such a mold was well known to allow for the ease of release of the molded article. One of ordinary skill in the art would readily be able to design a pair of molds to form the articles (11) and (15) as illustrated by Iida et al.

6. Claims 9, 12, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iida et al taken together with Watanabe et al (JP 62-108019: see abstract and figures 4 and 7).

Iida et al teach an article having a cover (11) with a recess (12) having a plurality of holes (13, 14) and an emblem (15) having protrusions (17 and 18) that fit into the holes (13, 14) such that the emblem is heat staked to the cover. The reference states that the emblem (15) and the cover are individually molded and then assembled. The tools for forming the first and second molded articles are inherent. The reference does not disclose that the first tool has a movable mold member to define a recess and then retractable to remove the movable mold member from the recess forming position.

Watanabe et al disclose a molding apparatus comprising opposed mold members (2 and 4a) defining a cavity (29). The second mold member (4a) has a movable core (8) that forms a hole in a first injected material through gate (20a) as illustrated in figure 7.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Iida et al by using a molding tool having a retractable

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member to form a molded article with a recess as shown in figure 7 of Watanabe et al because such a mold was well known to allow for the ease of release of the molded article. One of ordinary skill in the art would readily be able to design a pair of molds to form the articles (11) and (15) as illustrated by Iida et al.

Election/Restrictions

7. Claims 1-8 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 9, 2006.

Response to Arguments

8. Applicant's arguments with respect to claims 9, 11, 12, 16 and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

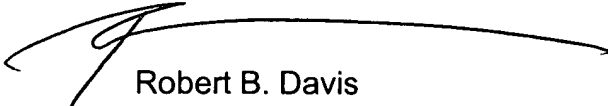
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert B. Davis
Primary Examiner
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11/13/06